



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, February 09, 2009

*Commissioner David Lillard, Chairman
Commissioner Deidre Malone, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism*

*Commissioner George Flinn
Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Steve Mulroy
Commissioner Mike Ritz*

5/18/2010 5:09 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

**Reverend James Johnson, Associate
Minister
Magnolia First Baptist Church**

PLEDGE OF ALLEGIANCE

ROLL CALL

[Approval of Minutes of Previous Session](#)
[January 12, 2009](#)
[January 26, 2009](#)

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. [Resolution of commendation on honor of Nicholas Patrick Mastron, Eagle Scout. Sponsored by Commissioner Steve Mulroy.](#)

Ordinances

Zoning and Subdivisions

[Reports and/or Resolutions for Standing Committees](#)

**AVERY
Chairman,
Hospitals and
Health
Committee**

2. [Resolution to amend the FY 2009 Operating Budget to increase grant funds from the U. S. Department of Health and Human Services for the Ryan White Comprehensive AIDS Resources Emergency Act HIV Relief Grant Program Part A \(CARE Act\) grant fund in the amount of \\$651,699.00. Resolution approves contract amendment pursuant thereto increasing encumbrance with United Way of the Mid-South for previously-unencumbered grant funds for service provider contracts for the purpose of administering HIV Emergency Relief Project grants for the period of April 1, 2009 – February 28, 2010. This item requires expenditure of federal grant funds in the amount of \\$1,023,441.00. Sponsored by Commissioner Joyce Avery.](#)

**AVERY
Vice-Chairman,
Community
Services
Committee**

3. [A resolution approving a contract in the amount of \\$380,000.00 with Frayser Millington North Shelby Mental Health Center, Inc., dba Comprehensive Counseling Network, Inc. for the provision of post-booking jail diversion services for persons with](#)

serious mental illness. This item requires expenditure of county operating funds in the amount of \$380,000.00. Sponsored by Commissioner Joyce Avery.

CARPENTER
Chairman,
Conservation
Committee

4. Resolution approving the lease of 710 acres of Chickasaw Basin Authority property, located within the City Of Millington, to Sneed Farms, Inc. for agricultural and pasturage operations for annual rental in the amount of \$75,000.00 and authorizing the Shelby County Mayor to execute the Agricultural Lease Agreement. Sponsored by Commissioner Wyatt Bunker. (DEFERRED TO 2/23/09)

FORD
Chairman,
General
Government
Committee

5. Resolution receiving and filing a resolution entitled "Resolution of the Shelby County Public Records Commission adopting the schedule of reasonable charges for copies of public records prepared by the State of Tennessee Office of Open Records Counsel" adopted on October 28, 2008. Sponsored by Commissioner Joe Ford.

FORD
Chairman,
General
Government
Committee

6. Resolution receiving and filing the resignation of Commissioner David Lillard, effective February 4, 2009; declaring a vacancy on the Shelby County Board of Commissioners, District 4, Position 3; setting Monday, February 23, 2009 as the date for the election by the Shelby County Board of Commissioners to fill the vacancy; authorizing the Chairman of the Board of County Commissioners to publish notice of election; and directing the Shelby County Attorney to conduct criminal background checks on all candidates for said vacancy. Sponsored by Commissioner Joe Ford.

MULROY
Chairman,
Core City
Committee

7. Resolution approving the transfer of title of one hundred forty parcels of Homestead Program Property pursuant to the Tennessee Code Annotated 7-66-101 to 7-66-111 and Resolution #24 adopted by the Shelby County Board of Commissioners October 7, 1985 authorizing the implementation of the Shelby County Homestead Program. Sponsored by Commissioner Steve Mulroy. (WITHDRAWN IN COMMITTEE 2/4/09)

FLINN
Chairman,
Delinquent Tax
Property
Committee

8. [Resolution approving the sale of seven \(7\) county owned Delinquent Tax Parcels, acquired from Shelby County Trustee Tax Sale Nos. 201, 204, 205, 306, and 402, to identified purchasers at various prices collectively totaling \\$31,100.00, pursuant to the sale provisions of T.C.A. §67-5-2507 and authorizing the Shelby County Mayor to execute Quit Claim Deeds. Sponsored by Commissioner George S. Flinn, Jr.](#)

REGULAR AGENDA

Elections, Appointments, and Confirmations

FORD
Chairman,
General
Government
Committee

9. [Resolution approving the County Mayor's nomination of Ernest D. Strickland for appointment and Bobbi Gillis for reappointment to the Memphis and Shelby County Center City Commission. Sponsored by Commissioner Joe Ford.](#)

FORD
Chairman,
General
Government
Committee

10. [Resolution approving the County Mayor's nomination of Veronica C. Yates and Curry Todd for appointment and Paul Chandler, William Carrier, Tommie Perdue, and Les Edwards for reappointment to the Memphis and Shelby County Film and Television Commission. Sponsored by Commissioner Joe Ford.](#)

Ordinances

Zoning and Subdivisions

RITZ
Chairman,
Land Use
Committee

11. [CASE NO. P.D. 08-324 CC](#)

APPLICANT: Coastal Fuels, Inc.

LOCATION: North side of Walnut Grove Road; +/-
2,540 feet west of Houston Levee Road

REQUEST: Plan amendment to allow single family homes with minimum lot sizes of 6,000 sq. ft., including independent and assisted living for seniors, licensed health care, nursing home and associated medical facilities

RECOMMENDATIONS:

Memphis and Shelby County Office of Planning and Development:

APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board:

APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, January 30, 2009.)
(AMENDED IN COMMITTEE 2/6/09)

**RITZ
Chairman,
Land Use
Committee**

12. [CASE NO. P.D. 08-328 CC](#)

APPLICANT: Windsor Park Partners

LOCATION: Northeast corner of Ellis Road and New Brunswick Road

REQUEST: Planned development to allow senior-living attached homes, including senior care facilities for a nursing home, assisted living, hospice and rehabilitation centers.

RECOMMENDATIONS:

Memphis and Shelby County Office of Planning and Development:

APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board:

APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, January 30, 2009.)

Reports and/or Resolutions for Standing Committees

**RITZ
Vice-Chairman,
Budget and
Finance
Committee**

13. [Resolution requesting the county mayor and other county elected officials make certain recommendations relative to the proposed biennial budget submitted for Fiscal Years 2010 AND 2011 and expressing the desire of the Shelby County Board of Commissioners relative to the recommendations requested herein. Sponsored by Commissioner Mike Ritz.\(DEFERRED TO 3/16/09\)](#)

**RITZ
Vice-Chairman,
Budget and
Finance
Committee**

14. [Resolution requesting the Shelby County Trustee not compute and list a separate tax rate on the tax bill for school funding. Sponsored by Commissioner Mike Ritz. \(FAILED IN COMMITTEE\)](#)

**RITZ
Vice-Chairman,
Budget and
Finance
Committee**

15. [Resolution declaring the intent of the Shelby County Board of Commissioners to support Juvenile Court in its effort to bid and secure the state contract for child support collections and enforcement services. Sponsored by Chairman Deidre Malone. \(ADD-ON IN COMMITTEE 2/4/09\)](#)

**RITZ
Chairman,
Land Use
Committee**

16. [A resolution amending the Community Redevelopment Plan for the Uptown Area to include an updated plan for the Uptown mixed use center, an updated plan for the Uptown West and Gayoso Bayou Greenway Area; improvements for Second St.; a rehabilitation plan for single-family, multi-family, commercial and historic structures within the Uptown Redevelopment Area; updated maps and financial spreadsheets; and clarification of other provisions within the Community Redevelopment plan for the Uptown Area. Sponsored by Commissioner Mike Ritz.](#)

**FORD
Chairman,**

17. [Resolution to amend a previously adopted resolution entitled "RESOLUTION APPROVING](#)

General
Government
Committee

FORMS FOR THE SHELBY COUNTY ETHICS COMMISSION” adopted August 27, 2007 by amending the form entitled “STATEMENT OF DISCLOSURE OF INTEREST.” Sponsored by Commissioner Steve Mulroy. (ADD-ON IN COMMITTEE AMENDED 2/4/09)

BROOKS
Chairman,
Legislative
Committee

18. Resolution by the Board of Commissioners of Shelby County, Tennessee, requesting the members of the Tennessee General Assembly support legislation amending Tennessee Code Annotated, Title 11, Chapter 21, Section 103 relative to the meeting requirements for conservation boards. Sponsored by Commissioner Mike Carpenter.

BROOKS
Chairman,
Legislative
Committee

19. Resolution of the Board of County Commissioners of Shelby County, Tennessee, endorsing conversion to optiscan voting technology; requesting the Tennessee General Assembly support legislation amending the Tennessee Voter Confidence Act of 2007 relative to election procedures and equipment or, in the alternative, that the State Division of Elections promulgate appropriate regulations or show proper flexibility in its enforcement of state requirements. Sponsored by Commissioner Steve Mulroy.

Announcements/Statements

20. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government. a) Resolution approving the County Mayor's nomination of Berlin F. Boyd for appointment to the Shelby County Health, Education and Housing Facility Board. Sponsored by Commissioner Joe Ford. b) Resolution approving the County Mayor's nomination for the appointment of Davida Cruthird to the Memphis and Shelby County Industrial Development Board. Sponsored by Commissioner Joe Ford. c)

Resolution approving the County Mayor's nomination of Al Bright, Jr. for reappointment to the Memphis and Shelby County Community Redevelopment Agency. Sponsored by Commissioner Joe Ford.

Adjournment

21. Resolution of adjournment to Monday, February 23, 2009 at 1:30 p.m.